

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT PIERCE DIVISION**

**CASE NO. 24-14235-CIV-CANNON**

**EDDIE M. CANNON,**

Plaintiff,

v.

**CITY OF PORT ST. LUCIE et al,**

Defendants.

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**ORDER DISMISSING SHOTGUN COMPLAINT AND PERMITTING REPLEADING**

**THIS CAUSE** comes before the Court upon a sua sponte review of the record. On July 23, 2024, Defendant City of Port St. Lucie removed this action from state court [ECF No. 1]. The state court complaint seeks adjudication of purported violations of the Fourth and Fourteenth Amendments to the United States Constitution, the Civil Rights Act of 1964, and the Florida Civil Rights Act of 1992 [ECF No. 1-1 pp. 12–25]. All of the counts other than the first and fourth counts in the Complaint, however, incorporate all preceding allegations, thus rendering the Complaint an impermissible “shotgun pleading” [ECF No. 1-1]. *See Weiland v. Palm Beach Cnty. Sheriff's Off.*, 792 F.3d 1313, 1321 (11th Cir. 2015) (“The most common type [of shotgun pleading]—by a long shot—is a complaint containing multiple counts where each count adopts the allegations of all preceding counts, causing each successive count to carry all that came before and the last count to be a combination of the entire complaint.”). The Court has an independent obligation to dismiss such pleadings and require repleader.

Accordingly, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The Amended Complaint [ECF No. 1-1 pp. 12–25] is **DISMISSED WITHOUT**

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**PREJUDICE.**

2. Plaintiffs may file a second amended complaint that is consistent with this Order on or before **August 8, 2024**. **The second amended complaint must not contain any successive counts that incorporate all prior allegations.** In other words, Counts I-III and V-VIII may incorporate the same factual allegations (paragraphs 1 through 45), but Counts II-III and V-VIII must not broadly incorporate the allegations of previous counts. **Further, each count must identify the particular legal basis for liability and contain specific factual allegations that support each cause of action within each count.**
3. Failure to comply with this Order may result in dismissal of the case without further notice.

**DONE AND ORDERED** in Chambers at Fort Pierce, Florida, this 25th day of July 2024.

A handwritten signature in black ink, appearing to read 'Aileen M. Cannon', written over a horizontal line.

**AILEEN M. CANNON**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record